

**United States District Court**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

**NORTH COLLIN SPECIAL UTILITY  
DISTRICT, *a political subdivision of the  
State of Texas,***

**Plaintiff,**

**v.**

**CITY OF PRINCETON, TEXAS,**

**Defendant.**

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**Civil Action No. 4:23-cv-2-ALM-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #30), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. In the Report, the Magistrate Judge recommended granting in part and denying in part Defendant’s “Motion to Dismiss, or Alternatively, Transfer Plaintiff’s Complaint Based on First-to-File Rule, and Motion to Dismiss Pursuant to Rule 12(b)(1), Rule 12(b)(6), Rule 12(b)(7), and Motion for More Definite Statement” (Dkt. #12) as follows:

- The request for relief sought under Federal Rule of Civil Procedure 12(b)(1) be denied.
- The request for relief sought under the first-to-file rule be denied and this case be stayed pending final judgment in 1:21cv807-DAE.
- The request for relief sought under Federal Rule of Civil Procedure 12(b)(6) be granted in part and denied in part as follows: the request for relief as to Plaintiff’s 42 U.S.C. § 1983 claim be granted, and otherwise be denied without prejudice.

Plaintiff filed Objections (Dkt. #31), to which Defendant filed a response (Dkt. #32).

The Court has conducted a *de novo* review of the Objections and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objections are without merit as to the ultimate findings of the Magistrate Judge. Accordingly, Plaintiff's Objections (Dkt. #31) are **OVERRULED** and the Magistrate Judge's Report (Dkt. #30) is **ADOPTED** as the findings and conclusions of the Court.

**IT IS THEREFORE ORDERED** that the "Motion to Dismiss, or Alternatively, Transfer Plaintiff's Complaint Based on First-to-File Rule, and Motion to Dismiss Pursuant to Rule 12(b)(1), Rule 12(b)(6), Rule 12(b)(7), and Motion for More Definite Statement" (Dkt. #12) is **GRANTED IN PART and DENIED IN PART** as follows:

- The request for relief sought under Rule 12(b)(1) is **DENIED**.
- The request for relief sought under the first-to-file rule is **DENIED** and this case is **STAYED** pending final judgment in 1:21cv807-DAE.
- The request for relief sought under Rule 12(b)(6) is **GRANTED IN PART and DENIED IN PART** as follows: the request for relief as to Plaintiff's 42 U.S.C. § 1983 claim is **GRANTED**, and otherwise is **DENIED WITHOUT PREJUDICE**.

**SIGNED this 29th day of September, 2023.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE